

### **REMARKS**

This is a full and timely response to the outstanding final Office Action mailed September 21, 2004. Reconsideration and allowance of the application and pending claims are respectfully requested.

#### **Claim Rejections - 35 U.S.C. § 103(a)**

Claims 1, 6-9, 16-17, and 19-30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Thibadeau, et al. ("Thibadeau," U.S. Pat. No. 5,565,909) in view of Helferich (U.S. Pat. No. 6,636,733). Applicant respectfully traverses this rejection.

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. See *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed